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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Chapter 13
Case No. 09-5-2307 SLJ

Michael Sean Tarabochia

MOTION TO MODIFY CHAPTER 13 PLAN

Debtor _____/

The Debtor respectfully requests that the Court modify the Chapter 13 plan as follows:

- X 1. With respect to the monthly plan payments of \$725, those payments shall:
- X be suspended for the months of August through October 2011 (including 2 informal suspensions totaling \$1125).
- _____ be increased to _____, effective _____.
- X be decreased to \$310, effective November 2011.
- _____ (other)
- _____ 2. With regard to secured claims:
- _____ to treat the claim(s) of additional creditors as secured, as follows:
- _____ to change the treatment of certain secured claims, as follows:
- _____ to treat as unsecured, the claims of the following creditors which were previously treated as secured.
- _____ 3. With regard to general unsecured claims, to change the dividend paid:
- _____ from _____ % to _____ %
- _____ from a pot plan* of \$ _____ to a pot plan* of \$ _____
- _____ from a percentage plan at _____ % to a pot plan* of \$ _____
- _____ from a pot plan* of \$ _____ to a percentage plan at _____ %
- * A pot plan provides for a sum (as specified above) to be distributed pro rata, in amounts determined after allowed administrative, secured and priority unsecured claims are paid. The plan payments will continue at the highest monthly payment provided in the confirmed plan, as it may have been modified, as necessary to pay all allowed administrative, secured and priority unsecured claims within sixty (60) months of the original date of confirmation.
- Other modifications:
- X 4. Debtor surrenders the 2004 Dodge Ram 1500 to secured creditor Wells Fargo Auto Finance and waives protections of 11 U.S.C. 362 to the extent necessary to allow said creditor to dispose of said security. Said creditor shall account for the proceeds of the disposition and may file a general unsecured claim for any deficiency within thirty days of disposition.
5. Debtor's reason(s) for requesting the above modification are:
The Debtor incurred additional expenses in connection with vehicle repairs and is willing to surrender to the creditor. The Debtor believes he will be able to afford the reduced plan payments, as proposed.
6. The plan, if modified, would be completed within sixty (60) months from commencement of the case.

WHEREFORE, the Debtor requests that the Court modify the Chapter 13 plan as set forth above.

Dated: 11-18-11

Jessica Begelman
Attorney for Debtor